

Temp Workers' Labor Rights, Explained

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City Bureau answers common questions from Chicago staffing agency workers — from what to do if they suspect wage theft to where to file complaints with the city and state.

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Illustration: David Alvarado for City Bureau

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Temp jobs are on the rise.

Employers have increasingly turned to temp workers because of the flexibility a temporary workforce provides, meaning [companies can ramp up or scale down their workforce as needed](#). So far this year, the industry has employed an average of more than 3 million people nationwide — already surpassing 2021 figures, according to the U.S. Bureau of Labor Statistics.

The trend holds in Illinois. Last year, the number of temp workers in the state rose by more than 10 percent from 2020 to nearly 170,000 workers. While those figures include office workers, the majority of temp jobs in the state are in industrial facilities. The jobs are filled by staffing agencies, which are concentrated in Cook County and the surrounding collar counties, according to a City Bureau analysis of Illinois Department of Labor staffing agency registration data.

Chicago-area worker advocates said many of the temp workers they interact with have complained about wage theft, retaliation and workplace safety issues. They are not alone. Nearly a quarter of temp workers interviewed as part of a [national](#)

In the Chicago area, worker advocates said people who gravitate toward the industry are undocumented immigrants or have been incarcerated, which makes them less likely to report abuse, including discrimination.

A [2021 report on industrial temp hiring](#) found that staffing agencies in the Chicago area routinely engage in racial discrimination. The report revealed that when workers of similar gender, age and employment history were paired and sent to look for jobs at staffing agencies, more than a third of the agencies tested favored Latinx applicants over Black applicants. Some only allowed Latinx workers to apply or, when both applied, offered Latinx workers more or better jobs.

Dan Shomon, a spokesperson for Staffing Services Association of Illinois, which represents about 20 companies in the state, disputed the report's findings and said that association members are committed to good quality jobs and report similar numbers among Black and Latinx hires to the association.



Related: [Worker Advocates Say More Temp Worker Protections Are Needed](#)

City Bureau reporters surveyed more than a dozen workers in North Lawndale and neighboring Little Village, which is home to several industrial staffing agencies, about their experiences in the industry. Workers said they had experienced or suspected wage theft and discrimination, and wanted to know how to transition to permanent employment and more information about their rights. Below, we answer common questions from workers.

WHAT CAN I DO IF I SUSPECT WAGE THEFT?

Keep good records.

Gather evidence stating the promised wages, such as flyers, contracts or screenshots of online ads, and documents showing a worker's actual pay, like pay stubs, text messages or emails. Worker advocates said workers should also track their hours and pay.

"Don't talk to management or employers alone because then they can deny whatever transpired in that conversation," said Janelle White, the director of Temp Workers Union Alliance Project. "So, first steps: document, document, document. Take notes and take a witness whenever possible."

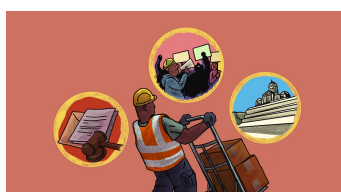
Tommy Carden, an organizer with Warehouse Workers for Justice, a worker center organizing warehouse and transportation industry workers in Illinois, said that if a paycheck seems short, workers can talk with their coworkers to assess whether it is a one-time error or an issue they are all experiencing.

Worker advocates stress that temp workers have a better shot at forcing their employer to pay up if they band together and collectively organize at worksites. Some workers have used the courts to collect what's owed. "One single worker trying to make a legal claim and having a legal case will be less successful than having many coworkers coming together and applying pressure around the same issue," Carden said.

CAN I REPORT WAGE THEFT TO THE CITY OR STATE?

Yes, workers who live in Chicago can file a complaint with the city or the state.

Under the [Day and Temporary Labor Services Act](#), staffing agencies are required to provide workers a detailed statement including the number of hours worked, the places where they worked, the pay rate and any deductions. The Illinois Department of Labor handles complaints about unpaid wages and illegal deductions. To do so, workers can [fill out a form](#) and include photocopies of their evidence.



In Chicago, temp workers earning no more than \$29.35 per hour, working for companies with at least 100 employees and employed in industries including manufacturing, retail or warehouse services are covered by the

ARE COMPANIES REQUIRED TO OFFER ME A FULL-TIME JOB?

So-called client companies, the firms contracting staffing agencies to provide workers, are not required to permanently hire temp workers. However, workers can apply for permanent positions when they become available. Under state law, a temp agency should attempt to place workers in a permanent position when client companies have openings.

The lack of regulation on how long a temp worker can stay a temp creates a class of what local worker advocates call “perma-temps.” Client companies can keep a temp worker employed for an indefinite period of time without offering an opportunity for permanent employment.

“It’s a contradiction but it’s a reality that you have people who are temporary workers forever,” said Carden, of Warehouse Workers for Justice.

Labor experts said some companies have union contracts or other collective bargaining agreements that limit the temporary employment status of a worker, but those still do not guarantee permanent employment.

WHAT IF MY WORKPLACE IS UNIONIZED?

Workers can review the union contract to see if there is any language that creates a pathway for permanent employment of temp workers. If there is no union, the employee handbook from the client company may have information on temp-to-hire practices.

“There could be a limitation in the contract that says that a temp has to become a direct hire,” said Tim Bell, executive director of the Chicago Workers Collaborative. “If there is no contract, there is no collective bargaining agreement in that shop, then the period is unlimited.”

Bell said temp workers should build a relationship with their union steward and coworkers to learn if and how they can transition to a permanent role.

DO I HAVE TO JOIN A UNION TO ORGANIZE?

No. Federal labor law protects private-sector workers who want to organize with coworkers with or without a union. Workers can bargain for better wages, benefits and working conditions. In Chicago, worker centers, like Arise Chicago, have supported workers who have formed a worker committee, which [can represent workers in conversations with employers without a union](#).

However, retaliation against workers who form worker committees can and does happen. Workers fired or disciplined for organizing their workplace can file [unfair labor charges against their employer](#) with the National Labor Relations Board, the federal agency that protects private-sector workers’ right to organize.

I WAS FIRED. NOW WHAT?

Illinois is an “at-will” employment state, meaning that non-unionized workers can be terminated for any reason. However, if workers feel they were discriminated against and are part of a [protected class](#), their firing might have been illegal.

FIRST, DO YOU BELIEVE YOU WERE FIRED BECAUSE YOU ARE A PART OF A PROTECTED CLASS?

[The Illinois Human Rights Act](#) forbids discrimination based on “age (40+), ancestry, arrest record, citizenship status, color, conviction record, disability (physical and mental), familial status (with respect to real estate transactions), gender identity, marital status, military status, national origin, orders of protection, pregnancy, race, religion, retaliation, sex, sexual harassment, sexual orientation and unfavorable military discharge.”

Federal laws also make it illegal to discriminate against a job applicant or an employee because of the person’s race, color, religion, sex (including pregnancy and related conditions, gender identity and sexual orientation), national origin, age (40 or older), disability or genetic information.

The Equal Employment Opportunity Commission is the agency enforcing the federal laws while the Illinois Department of Human Rights handles complaints under the Illinois Human Rights Act.

DOCUMENT ALL COMMUNICATION

Similar to suspecting wage theft, worker advocates said workers should document everything that would support their discrimination case and reach out

DISCRIMINATION CASES

Betsey Madden, chief legal counsel and ethics officer at the Illinois Department of Human Rights, said any evidence of what happened, including a letter of termination or email, is helpful for the department when investigating claims.

Workers can also check with a local worker center for additional support. (Click here for a list of Chicago worker centers.)

CONSIDER FILING A CHARGE OF DISCRIMINATION

Workers can file a complaint against their employer with the [Equal Employment Opportunity Commission](#) and a [charge with the Illinois Department of Human Rights](#). Separately, the Department of Justice's Civil Rights Division handles civil rights violations and also enforces federal laws that protect people from discrimination based on race, color, national origin, disability status, sex, religion, familial status or loss of other constitutional rights. Workers can report a civil rights violation against their employer on [the department's website](#).

WHAT IF I'M UNDOCUMENTED OR HAVE BEEN ARRESTED?

Anyone, regardless of their immigration status or whether they have been accused or convicted of a criminal offense, can submit a [charge](#) with the Illinois Department of Human Rights or a [complaint](#) with the Equal Employment Opportunity Commission.

FIND A LAWYER

Workers can reach out to a legal aid provider or private attorney familiar with workers' rights cases, said Jane Flanagan, acting director of the Illinois Department of Labor.

However, temp workers should know that discrimination cases can be difficult to prove and win because of all the documentation that's needed.

Carden, of Warehouse Workers for Justice, said that often workers who approach the worker center are interested in the legal route. He added that "a lot of the time you have to be real honest with workers and say, OK it's going to be really hard for you to win this unless you have a very specific set of documented facts."

His advice: Use every tool in the workers' rights toolbox to organize and apply pressure while the case is working its way through the courts.

GOVERNMENT ENTITIES AND ORGANIZATIONS THAT SUPPORT WORKERS

- **Illinois Department of Human Rights** administers the [Illinois Human Rights Act](#), which prohibits discrimination in employment, financial credit, public accommodations, real estate transactions, housing and sexual harassment. Workers can fill out an employment [charge of discrimination](#) online and submit the form by email to IDHR.Intake@illinois.gov, by mail to 555 West Monroe Street, 7th Floor, Attn. Intake Unit, Chicago, IL 60661, or by fax to 312-814-6251.
- **Illinois Department of Labor** enforces the state labor laws. Workers can file employment-related complaints, including minimum wage violations, overtime unpaid wages and violations of the Day and Temporary Labor Services Act. To file a complaint visit the department's [complaint website](#).
- **Illinois Department of Labor, Division of Occupational Safety and Health** enforces occupational safety and health standards. Employers are required to [report](#) a fatality within eight hours, and inpatient hospitalization, amputation or loss of an eye within 24 hours. Workers can make a report to the 24-hour number (217) 782-7860. Public-sector employees can make a complaint about unsafe working conditions on [its website](#), by email at DOL.Safety@illinois.gov or by mail to 524 South 2nd Street, Suite 400, Springfield, IL 62701. Private-sector workers can [make a complaint to the federal Occupational Safety and Health Administration](#).
- **Equal Employment Opportunity Commission** is responsible for enforcing federal laws that make it illegal to discriminate against a worker or a job applicant. A charge of discrimination can be completed [on the commission's website](#).
- **Illinois Workers' Compensation Commission** resolves disputes between workers and employers regarding work-related injuries and illnesses. The commission can be reached by email wcc.infoquestions@illinois.gov, or by phone Monday through Friday from 8:30 a.m. to 5:00 p.m. at (312) 814-6500.

mail to 100 West Randolph Street, 11th Floor, Chicago, IL 60601. Call the Workplace Rights Hotline at (844) 740-5076 for more information.

- **The Office of Labor Standards** promotes and enforces Chicago's labor laws. Workers can submit a [complaint](#) on wage theft, minimum wage, paid sick leave, fair workweek scheduling, retaliation related to COVID-19, paid sick leave or domestic work via the [311 online portal](#) or by calling 311. [Complaints](#) can also be submitted by email to BACPlaborstandards@cityofchicago.org or by mail to 2350 West Ogden Avenue, Chicago, IL 60608.

WORKER CENTERS IN CHICAGO

- **Arise Chicago** supports workers in learning about their rights. Members learn how to educate and organize coworkers, keep records and set goals. They can also build strategic planning, negotiation and leadership skills and more. (773) 769-6000; 1700 W. Hubbard St., 2E, Chicago, IL 60622
- **Centro de Trabajadores Unidos (United Workers' Center)** builds power among low-wage, immigrant and Latino community members on the Southeast Side of Chicago and in the south suburbs. They provide free and low-cost immigration legal assistance, build worker power through organizing and cooperatives and support parent mentors. (773) 720-7111; 10638 S. Ewing Ave., Chicago, IL 60617
- **Chicago Community and Workers' Rights (CCWR)** supports working class community members regardless of color, ethnicity, religion or sexual orientation to learn about their rights and how to organize more effectively in their workplaces. CCWR offers information sessions and even emergency services for workers experiencing a crisis. (773) 827-2490; 1801 S. Ashland Ave, Chicago, IL 60608.
- **Chicago Workers Collaborative (CWC)** supports low-wage workers through "know your rights" workshops, legal services (including citizenship applications), and by promoting public health and safety in workplaces in the Chicago area. (847) 596-7491; 1914 S. Ashland Ave., Chicago, IL 60608; 783 Highland Ave., Elgin, IL 60123; 300 Grand Ave., Waukegan, IL 60085
- **Latino Union Of Chicago** supports low-income immigrant and U.S.-born workers, in particular day laborers and household workers. Latino Union of Chicago runs the Albany Park Workers Center, a hiring hub for day laborers and workers who clean homes and offices. Workers can participate in an array of trainings and classes at the center. (312) 491-9044; 4811 N. Central Park Ave., Chicago, IL 60625
- **Raise the Floor Alliance** provides free and direct legal assistance to low-wage workers in the Chicago area. The organization also conducts research, supports local worker centers, informs policy and supports low-wage workers in Illinois. To contact for legal assistance, workers can use the [online form](#) on their website. (312) 795-9115; 1 N. LaSalle St., Suite 1275 L Chicago, IL 60602.
- **Warehouse Workers For Justice** organizes manufacturing, food production and warehouse workers, and trains workers on basic labor rights and how to come together to hold their employers accountable. The organization also works with government agencies at the local, state and federal levels to identify and target abusive employers.
 - Chicago office: (815) 722-5003; 37 S. Ashland Ave., First Floor, Chicago, IL 60607
 - Joliet office: (815) 722-5003; 114 E. Jefferson St., Joliet, IL 60432
- **Workers Center For Racial Justice** organizes Black workers and their families to address the root causes of high rates of unemployment, low-wage work and overcriminalization. (312) 361-1161; 2243-2245 E. 71st St., Chicago, IL 60649

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If you or someone you know experienced racial discrimination in temp hiring, connect with City Bureau reporting fellows at tips@citybureau.org.

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